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11 Attorneys for Promotopia, Inc.  
12 Plaintiff

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**IN THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

Promotopia, Inc., a California  
Corporation,

Plaintiff,

vs.

Great American Opportunities, Inc.,  
a Tennessee Corporation,

Defendant.

Case No.: 08-CV-01967 JF (RS)

**STIPULATION AND ORDER TO  
CONTINUE INITIAL CASE  
MANAGEMENT CONFERENCE  
PURSUANT TO CIVIL L.R. 16-2(e)**

Date: August 22, 2008  
Time: 10:30 a.m.  
Dept: Courtroom 3, 5th Floor  
Hon. Judge: The Honorable Jeremy Fogel  
  
Trial Date: none

The Parties to this lawsuit, Promotopia, Inc, (Plaintiff), and Great American Opportunities (Defendant) represent to this court that they are in settlement discussions, and a settlement agreement is being prepared. Subsequent to that agreement being executed, this lawsuit will be dismissed with prejudice. As such, it is requested that the Case Management Conference, presently scheduled for August 22, 2008, at 10:30 a.m. in the above-referenced court, be postponed until Friday, September 5, 2008, at 10:30 a.m., in order to provide adequate time for the settlement agreement to be prepared and executed.

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1 Therefore, the parties stipulate that the Initial Case Management Conference be continued  
2 to Friday, September 5, 2008, at 10:30 a.m. in Courtroom 3, 5th Floor, of the U.S. District Court,  
3 San Jose, California.

4 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

5 Respectfully submitted,

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8 Date: Aug 12, 2008

By: Kevin R. Martin

Kevin R. Martin

Paul Martin

RANDICK O'DEA & TOOLIATOS, LLP

Attorneys for Plaintiff

PROMOTOPIA, INC.

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13 Date: August 11, 2008

By: Christopher Ogden

Robert E. Krebs

Christopher L. Ogden

THELEN REID BROWN, et al.

Attorneys for Defendant

GREAT AMERICAN OPPORTUNITIES, INC.

1 PURSUANT TO STIPULATION,

2 IT IS HEREBY ORDERED that the Initial Case Management Conference currently  
3 scheduled for August 22, 2008, at 10:30 a.m. be continued to and held on **Friday, September 5,**  
4 **2008, at 10:30 a.m.** in Courtroom 3, 5th Floor, of the above-referenced court located at 280  
5 South First Street, San Jose, California.

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7  
8 Date: 8/15, 2008 By:

  
9 Jeremy Fogel  
United States District Court Judge